

<sup>1</sup> In its January 23, 2018 order adopting a previous Recommendation (Doc. 13), the Court noted the Plaintiff did not object to that Recommendation. Doc. 16 at 1. Three days later on January 26, the Plaintiff's objection was filed. Doc. 17. The Court construes that objection as a motion for reconsideration, and, pursuant to 28 U.S.C. § 636(b)(1), the Court has considered the objection and made a de novo determination of the portions of the Recommendation to which the Plaintiff objects. The allegations in the Plaintiff's objection are almost identical to those in his proposed amendment. *Compare* Doc. 17, *with* Doc. 34. As the Magistrate Judge points out in his Recommendation to deny the Plaintiff's motion to amend as futile, these allegations fail to state a claim. Doc. 40 at 12-13. Accordingly, the Plaintiff's motion for reconsideration (Doc. 17) is **DENIED**.

Accordingly, the Defendants' motion to dismiss (Doc. 29) is **GRANTED**, and the Plaintiff's complaint (Doc. 1) is **DISMISSED without prejudice**. The Plaintiff's motion to amend (Doc. 34) and motion for transfer (Doc. 38) are **DENIED**.

**SO ORDERED**, this 29th day of November, 2018.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT